

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6974**

**BILL NUMBER:** HB 1372

**NOTE PREPARED:** Jan 18, 2014

**BILL AMENDED:**

**SUBJECT:** Emergency Management Service.

**FIRST AUTHOR:** Rep. Goodin

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that a medical professional who is a full-time employee of the state, a municipal corporation, or a private employer may not be disciplined: (1) for responding to a call for emergency management purposes under certain circumstances; or (2) if injured in responding to a call, due to the injury or absence from employment due to the injury if the employee presents certain documentation concerning the injury.

The bill provides that an employee who is disciplined by a political subdivision employer or private employer for a permitted absence for a call may bring a civil action against the employer within one year of the discipline to recover back wages, fringe benefits, seniority rights, and reinstatement to the employee's former position.

The bill also provides that a public servant who permits or authorizes an employee of a municipal corporation or the state under the public servant's supervision to be absent from employment for a call does not commit ghost employment.

**Effective Date:** July 1, 2014.

**Explanation of State Expenditures:** The fiscal impact on the state would be as an employer of a medical professional who is injured or absent from work because of an injury that occurs while the employee is engaged in emergency management activities. The state would not be able to discipline the employee for the time absent. The impact is indeterminable.

Current statute provides that state employees who are Red Cross volunteers receive paid leave up to 15 work

days if they participate in disaster relief declared by the Governor and required by the Red Cross.

**Explanation of State Revenues:** If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition, some or all of the judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Revenue from the pro bono services fee (\$1) is transferred by the State Auditor to the Indiana Bar Foundation for use to assist with pro bono legal services programs in Indiana. And proceeds from the automated record keeping fee (\$7) are deposited into the state User Fee Fund.

Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

**Explanation of Local Expenditures:** The impact on municipal corporations would be as an employer of a medical professional who is injured or absent from work because of an injury that occurs while the employee is engaged in emergency management activities. The political subdivision would not be able to discipline the employee for the time absent. The impact is indeterminable.

**Explanation of Local Revenues:** If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge, depending upon the particular type of case.

Persons filing a civil case are also required to pay the following fees that are deposited in local funds.

The document storage fee (\$2) is deposited into the clerk record perpetuation fund.

The following fees are deposited into the general fund of the county in which the court is located:

- Document fees (\$1 per document) are charged for preparing transcripts or copies of record or certificate under seal.
- Service fee (\$10) collected from the filing party for each defendant beyond the first cited in the lawsuit.

**State Agencies Affected:** All.

**Local Agencies Affected:** Municipal corporations; trial courts, city and town courts.

**Information Sources:**

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